IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 19989 OF 2007

DATED: 18-12-2007

BETWEEN:

Kantamaneni Babaiah

.....Petitioner

AND

The Municipal Corporation of Vijayawada,
Rep., by its Commissioner, Vijayawada,
Krishna District

.....Respondent

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THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 19889 OF 2007

ORDER:

At the interlocutory stage, the writ petition is being disposed of with the consent of both the counsel.

This writ petition is filed for a writ of mandamus to declare inaction of the respondent in initiating the acquisition proceedings in respect of the petitioner's plot admeasuring 1874 square yards out to Acs.9.00 of land in R.S. No. 84 of Bhavanipuram, Vijayawada, Krishna District as arbitrary and illegal.

In his affidavit, the petitioner alleged that he owns a plot admeasuring 1987 square yards out of Acs.9.00 in R.S No. 84 of Bhavanipuram, Vijayawada and that in the final decree proceedings in O.S No. 117 of 1956 on the file of the Court of Subordinate Judge, Vijayawada, the said plot fell to his share under decree dated 27-2-1987. The petitioner had been working in Indian Army and after the death of his father on 10-3-1996, he noticed that a road was laid by the respondent through the said land and, therefore, he made a representation to the respondent on 6-1-1997 for payment of compensation and gave reminders in August 1998 and on 12-9-2001. The petitioner further pleaded that the respondent issued endorsement on 26-9-2001 directing him to furnish title deed over the said land and that accordingly he had sent the same. The grievance of the petitioner is that though he had sent all the required documents, the respondent has not taken a decision on his representation.

Heard Sri P.N. Murthy, learned counsel for the petitioner and Smt. G. Jhansi, learned Standing Counsel for the respondent – Corporation.

Since the prayer made in the writ petition is innocuous viz., that his representation stated to have been made to the respondent – Corporation on 12-9-2001 may be disposed of, the learned Standing Counsel fairly stated that she has no objection for such a direction being given to the respondent – Corporation.

Therefore, without going into the merits of the case, the writ petition is disposed of with the direction to the respondent – Corporation to dispose of the representation dated 12-9-2001 stated to have been made by the petitioner for payment of compensation in respect of plot admeasuring 1874 square yards comprised in R.S No. 84 of Bhavanipuram, Vijayawada, within a period of four weeks from the date of receipt of a copy of this order.

As a sequel to disposal of the writ petition, WPMP No. 25644 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

18-12-2007
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